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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,078	12/31/2001	Mark H. Tuszynski	041673-2053	9151
30542	7590	04/19/2005	EXAMINER	
FOLEY & LARDNER P.O. BOX 80278 SAN DIEGO, CA 92138-0278			FALK, ANNE MARIE	
		ART UNIT		PAPER NUMBER
		1632		

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Serial Number	Filing Date	First Named Applicant	Attorney Docket No.
10/039,078	12/31/2001	Tuszynski et al.	041673-2053

EXAMINER	
Anne-Marie Falk, Ph.D.	
ART UNIT	PAPER NUMBER
1632	0405

Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

The reply filed on January 31, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The response to the election of species requirement elects the neurotrophin species nerve growth factor (NGF) for prosecution on the merits. However, NGF delivery is not commensurate in scope with the scope of the claimed invention. The claims do not read on NGF delivery because the claims explicitly recite that the nervous system growth factor is to be delivered to defective, diseased or damaged neurons in "cortical tissues containing trkB receptors." NGF binds to the trkA receptor, not the trkB receptor. Thus, one of skill in the art would not consider NGF delivery to fall within the scope of the claims. Applicants must elect a species that is commensurate in scope with the scope of the claimed invention. Furthermore, upon election of an appropriate species, Applicant is required to provide "a listing of all claims readable thereon." See the Office Action mailed 12/29/04 at page 4, second to the last line. Appropriate correction is required.

Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk, Ph.D. whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.

*Anne-Marie Falk*  
ANNE-MARIE FALK, PH.D.  
PRIMARY EXAMINER